

No. 84
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Tuesday, October 13, 2009.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present

Olshove—present
Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—present
Stamas—present
Switalski—present
Thomas—excused
Van Woerkom—present
Whitmer—present

Senator Wayne Kuipers of the 30th District offered the following invocation:

Father God, Creator of life and liberty, we come before You this morning grateful for the opportunity You have given us to serve You in this way. We thank You for each member of this body, for those who serve in the House, and for those who serve as Governor and Lieutenant Governor. We give You thanks.

We ask today that You would pour Your wisdom out on each one of us as we deliberate the issues that are before us today. We know that at times we get agitated over the issues that we are debating. We get filled with discouragement. We think sometimes, Lord, that You look down on us and smile because the issues that we face and the magnitude of life in this world are really quite small.

We ask today that You would give us Your wisdom, Your courage, Your strength, and that You would pour Your glory out over us to illuminate us that we might shine like stars in this world. As we bow this morning, we ask for a special blessing upon those men and women who are serving in places around the world. We thank You for their willingness to serve, for their courage, for their bravery, and for their willingness to put their own self-interest behind the interests of this country. We ask that You would bless them today and that You would keep them in safety.

Watch over us now, we pray, and guide our deliberations. We ask in Jesus' name. Amen.

The Assistant President pro tempore, Senator Sanborn, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator McManus entered the Senate Chamber.

Senator Cropsey moved that Senators Garcia and George be temporarily excused from today's session. The motion prevailed.

Senator Anderson moved that Senators Hunter, Barcia, Clarke and Basham be temporarily excused from today's session. The motion prevailed.

Senator Anderson moved that Senator Thomas be excused from today's session. The motion prevailed.

Senator Cropsey moved that Senator Richardville be temporarily excused from today's session. The motion prevailed.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Agriculture and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-049-AC (Secretary of State Filing #09-10-03) on this date at 1:28 p.m. for the Department of Agriculture, entitled "Regulation No. 562. Labeling of Retail Gasoline Dispensers."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Agriculture and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-050-AC (Secretary of State Filing #09-10-04) on this date at 1:30 p.m. for the Department of Agriculture, entitled "Regulation No. 564. Automotive Gasoline Purity, Additives, and Grading."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Agriculture and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-060-AC (Secretary of State Filing #09-10-05) on this date at 1:32 p.m. for the Department of Agriculture, entitled "Food Establishment Manager Certification."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Community Health and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-027-CH (Secretary of State Filing #09-10-02) on this date at 1:26 p.m. for the Department of Community Health, entitled "Communicable and Related Diseases."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Community Health and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-011-CH (Secretary of State Filing #09-10-08) on this date at 1:38 p.m. for the Department of Community Health, entitled "Statewide Trauma System."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-069-LG (Secretary of State Filing #09-10-01) on this date at 1:24 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Tax Rules of Practice and Procedure."

These rules take effect 15 days after filing with the Secretary of State

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-019-LG (Secretary of State Filing #09-10-06) on this date at 1:34 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Construction Code, Part 8 - Electrical Code."

These rules take effect 60 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-046-SR (Secretary of State Filing #09-10-07) on this date at 1:36 p.m. for the Department of Energy, Labor, and Economic Growth, entitled "Judges Retirement Board - General Hearing Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
 Terri Lynn Land
 Secretary of State
 Robin L. Houston, Departmental Supervisor
 Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Friday, October 9:

House Bill No. 5403

The Secretary announced that the following official bills were printed on Thursday, October 8, and are available at the legislative website:

Senate Bill Nos. 886 887 889

House Bill No. 5500

The Secretary announced that the following official bills were printed on Friday, October 9, and are available at the legislative website:

Senate Bill No. 888

House Bill Nos. 5501 5502 5503 5504 5505

Messages from the Governor

Senators Richardville and Jansen entered the Senate Chamber.

Recess

Senator Cropsy moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 10:08 a.m.

10:53 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

During the recess, Senators Gleason, Clarke, Garcia, Hunter, Birkholz, Barcia, Brown and George entered the Senate Chamber.

The following messages from the Governor were received:

Date: October 8, 2009

Time: 5:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 250 (Public Act No. 112), being

An act to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(Filed with the Secretary of State on October 9, 2009, at 10:22 a.m.)

Date: October 8, 2009
Time: 5:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 249 (Public Act No. 113), being

An act to make appropriations for the judicial branch for the fiscal year ending September 30, 2010; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

(Filed with the Secretary of State on October 9, 2009, at 10:24 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following messages from the Governor were received:

October 8, 2009

Today I have signed Enrolled Senate Bill 250, a bill authorizing expenditures by the Department of Military and Veterans Affairs for the fiscal year ending September 30, 2010. Approval of this bill will authorize the expenditure of more than \$146 million to support defense of our state and our veterans.

This bill maintains \$42.7 million in funding for military training sites, headquarters, and armories for homeland security. It includes nearly \$65.4 million in funding for the Grand Rapids and D. J. Jacobetti Veterans' Homes, which currently serve 900 residents. Special maintenance and remodeling of National Guard facilities is supported with \$15 million in capital outlay funding. In addition, \$1.0 million is provided for the Military Family Relief Fund to assist the families of Michigan's active duty National Guard and military reserve members. Over \$3.0 million is appropriated for veterans' service organizations for veterans' benefits counseling and assistance and \$4.7 million is appropriated to support the Michigan Youth ChalleNGe Academy.

To provide direction regarding the implementation of this new appropriations act, I note the following:

- Section 234 of Senate Bill 250 provides that any lapsed general funds for Fiscal Year 2010 shall be transferred to the appropriation for special maintenance. To the extent this requirement alters or contradicts other statutory procedures or requirements relating to lapsed funds or the transfer of funds, the provision may violate Const 1963, art 4, § 25. To the extent this provision for the transfer of funds is outside the scope of title and object of the bill, it may violate Const 1963, art IV, §24.
- Sections 201, 501, and 705 of Senate Bill 250 include statements of legislative intent. While the Legislature has the right to state its advice, preferences, or wishes through a statement of intent, such statements do not impose conditions upon appropriations and are non-binding.

I extend my appreciation to the Legislature for completing its work on this budget.

October 8, 2009

Today I have signed Enrolled Senate Bill 249, a bill authorizing the expenditure of funds by the judicial branch of state government for the fiscal year ending September 30, 2010.

Appropriations authorized under this bill will support the essential operations of the judiciary and provide \$5.1 million for drug treatment courts that hold offenders accountable for their behavior while providing treatment for substance abuse problems. Successful substance abuse treatment can reduce long, costly incarcerations and recidivism at both the local and state levels.

I am concerned about a transfer from the Juror Compensation Fund to the general fund included in this bill. Although the transfer was intended to assist the Legislature in reaching the Bishop-Dillon target agreement, statutory changes will be needed to effectuate the transfer. While I support the concept of this transfer, further legislative action is needed.

To provide direction regarding the implementation of this new appropriations act, I note the following:

- While section 216 of Enrolled Senate Bill 249 purports to extend requirements of the Administrative Procedures Act of 1969 to the judiciary, that Act does not apply to the judicial branch of state government. Section 216 therefore appears inconsistent with Const 1963, art 4, § 25 and unenforceable.
- Section 220 of the bill includes a statement of legislative intent. While the Legislature has the right to state its advice, preferences, or wishes through a statement of intent, such statements do not impose conditions upon appropriations and are non-binding.

I thank the Legislature for its work on this budget.

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on October 8, 2009, and read:

EXECUTIVE ORDER
No. 2009-44

**Abolishing the Michigan Climate Action Council
Abolishing the Aquatic Nuisance Species Council**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, the Michigan Climate Action Council has completed the work for which it was created;

WHEREAS, abolishing the Aquatic Nuisance Species Council will contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

A. The Michigan Climate Action Council created within the Department of Environmental Quality by Executive Order 2007-42 is abolished.

B. The Aquatic Nuisance Species Council created within the Office of Great Lakes by Executive Order 2002-21 is abolished.

The provisions of this Order are effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 8th day of October in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The executive order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on October 8, 2009, and read:

EXECUTIVE ORDER
No. 2009-45

**Department of Agriculture
Department of Energy, Labor, and Economic Growth
Department of Environmental Quality
Department of Natural Resources
Department of Treasury**

Creating the Department of Natural Resources and Environment

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department of state government shall be under the supervision of the Governor, unless otherwise provided in the Constitution;

WHEREAS, Section 52 of Article IV of the Michigan Constitution of 1963 declares the conservation and development of the natural resources of this state to be of paramount public concern in the interest of the health, safety, and general welfare of the people;

WHEREAS, the people of the State of Michigan have consistently demonstrated the importance of both natural resource management and protection of Michigan's unique environmental qualities; and

WHEREAS, the conservation and development of the natural resources of this state can best be achieved through efficient and coordinated management of state policies, programs, and functions, including, but not limited to, the implementation of an ecosystem-based strategy for resource management aimed at protecting and enhancing the sustainability, diversity, and productivity of the natural resources of this state;

WHEREAS, the consolidation of state government functions related to the natural resources and environment of this state will eliminate unnecessary duplication and facilitate more effective and efficient coordination of policies, programs, and functions related to natural resources and protecting the environment;

WHEREAS, the consolidation of state government functions related to the natural resources of this state and protection of the environment will better enable this state to conserve, manage, protect, and promote Michigan's environmental, natural resource, and related economic interests for current and future generations;

WHEREAS, the consolidation of state government functions related to the natural resources of the state will facilitate the effective use of our natural resources in a sustainable manner, preserve Michigan's rich outdoor heritage, provide quality and accessible public outdoor recreation, restore the Great Lakes and other degraded natural systems to ensure resiliency and sustainability, and promote stewardship of Michigan's natural resources through education, awareness, and action;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government and to reduce the number of principal state departments;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

B. "Commission of Agriculture" means the commission created under Section 1 of 1921 PA 13, MCL 285.1 and continued under Section 179 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.279.

C. "Commission of Natural Resources" means the commission created under Section 1 of 1921 PA 17, MCL 299.1, continued under Section 254 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.354, transferred to the Department of Natural Resources under Executive Order 1991-22, MCL 299.13, and continued under Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501.

D. "Department of Agriculture" means the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1, and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

E. "Department of Energy, Labor, and Economic Growth" means the principal department of state government created by Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20, MCL 445.2025.

F. "Department of Environmental Quality" means the principal department of state government created under Executive Order 1995-18, MCL 324.99903.

G. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

H. "Department of Natural Resources" means the principal department of state government provided for by Section 250 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.350, Executive Order 1991-22, MCL 299.13, and Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501, as modified by Executive Order 1995-18, MCL 324.99903.

I. "Department of Natural Resources and Environment" or "Department" means the principal department of state government created under Section II of this Order.

J. "Department of Treasury" means the principal department of state government created under Section 75 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.175.

K. "Environmental Science Review Boards" means the boards provided for under Section II.C. of this Order.

L. "Executive Director of the Michigan Gaming Control Board" or "Executive Director" means the position created under Section 4 of the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.204.

M. "Michigan Gaming Control Board" means the board created under Section 4 of the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.204.

N. "Michigan Trails Advisory Council" or "Council" means the council created under Section II.D. of this Order.

O. "Natural Resources Commission" or "Commission" means the commission provided for by Section II.B. of this Order.

P. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

Q. "Type I transfer" means that phrase as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

R. "Type II transfer" means that phrase as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

S. "Type III transfer" means that phrase as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. CREATION OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

A. Establishing the Department of Natural Resources and Environment as a Principal Department of State Government

1. The Department of Natural Resources and Environment is created as a principal department of state government. The Department shall protect and conserve the air, water, and other natural resources of this state.

2. The Director of the Department of Natural Resources and Environment shall be the head of the Department. Consistent with Section 3 of Article V of the Michigan Constitution of 1963, the Director of the Department shall be appointed by the Governor, subject to disapproval under Section 6 of Article V of the Michigan Constitution of 1963, and shall serve at the pleasure of the Governor.

3. The Director of the Department of Natural Resources and Environment shall establish the internal organization of the Department and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the Department.

4. The Director of the Department of Natural Resources and Environment may promulgate rules and regulations as may be necessary to carry out functions vested in the Director under this Order or other law in accordance with the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

5. The Director of the Department of Natural Resources and Environment may perform a duty or exercise a power conferred by law or executive order upon the Director of the Department at the time and to the extent the duty or power is delegated to the Director of the Department by law or order.

6. The Director of the Department of Natural Resources and Environment may appoint 1 or more deputy directors and other assistants and employees as are necessary to implement and effectuate the powers, duties, and functions vested in the Department under this Order or other law of this state. Deputies may perform the duties and exercise the duties as prescribed by the Director. The Director may delegate within the Department a duty or power conferred on the Director of the Department by this Order or by other law, and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the duty or power is delegated by the Director of the Department.

7. Decisions made by the Director of the Department of Natural Resources and Environment or persons to whom the Director has lawfully delegated decision-making authority shall be subject to judicial review as provided by law and in accordance with applicable court rules.

8. The Director of the Department of Natural Resources and Environment may utilize administrative law judges and hearing officers employed by the State Office of Administrative Hearings and Rules created by Executive Order 2005-1, MCL 445.2021, to conduct contested case hearings and to issue proposals for decisions as provided by law or rule.

9. The position of the Director of the Department of Natural Resources as a member or chairperson of all of the following boards or commissions is transferred to the Director of the Department of Natural Resources and Environment:

a. Ex officio member of the Michigan Historical Commission under Section 1 of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.1.

b. Member of the Michigan Freedom Trail Commission under Section 3 of the Michigan Freedom Trail Commission Act, 1998 PA 409, MCL 399.83.

c. Ex officio member of the Michigan Public Safety Communications System Advisory Board created under Executive Order 2005-8.

d. Member and Chairperson of the Michigan Commission on the Commemoration of the Bicentennial of the War of 1812 created by Executive Order 2007-51.

e. Member and Chairperson of the Michigan Center for Innovation and Reinvention Board created under Section IV of Executive Order 2009-36.

10. The position of the Director of the Department of Environmental Quality as a member or chairperson of all of the following boards or commissions is transferred to the Director of the Department of Natural Resources and Environment:

a. Member of the Michigan Supply Chain Management Development Commission created within the Department of Treasury under Section 3 of 2008 PA 398, MCL 125.1893. Nothing in this paragraph shall be construed to authorize the use of state funds for the operations of the Michigan Supply Chain Management Development Commission.

b. Member and Chairperson of the Brownfield Redevelopment Board created under Section 20104a of the Natural Resources and Protection Act, 1994 PA 451, MCL 324.20104a, as modified by Executive Order 2003-18, MCL 445.2011, and Executive Order 2006-13, MCL 125.1991.

c. Ex officio member of the State Plumbing Board created within the Department of Energy, Labor, and Economic Growth under Section 13 of the State Plumbing Act, 2002 PA 733, MCL 338.3523.

d. Member of the Michigan Homeland Protection Board created within the Department of State Police under Executive Order 2003-6.

e. Member of the Michigan Citizen-Community Emergency Response Coordinating Council created within the Department of State Police under Executive Order 2007-18.

f. Member of the Great Lakes Wind Council created within the Department of Energy, Labor, and Economic Growth under Executive Order 2009-1.

11. The position as an ex officio member of the State Plumbing Board held by an employee of the Department of Environmental Quality designated by the Director of the Department of Environmental Quality under Section 13 of the State Plumbing Act, 2002 PA 733, MCL 338.3523, is transferred to a qualified employee of the Department of Natural Resources and Environment designated by the Director of the Department of Natural Resources and Environment.

12. Subject to available funding, the Director of the Department of Natural Resources and Environment shall continue efforts to reduce the time for the processing and issuance of environmental permits and related customer service practices with the objective of achieving best-in-class permit processing time and improved customer service. As used in this paragraph, "environmental permits" means all permits and operating licenses issued by the Department. Environmental permits do not include hunting, fur harvester, or fishing licenses or other licenses or permits issued under any of the following:

- a. Part 401 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.40101 to 324.40120.
- b. Part 413 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.41301 to 324.41325.
- c. Part 421 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.42101 to 324.42106.
- d. Part 427 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.42701 to 324.42714.
- e. Part 435 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.43501 to 324.43561.
- f. Part 441 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.44101 to 324.44106.
- g. Part 445 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.44501 to 324.44526.
- h. Part 457 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.45701 to 324.45711.
- i. Part 459 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.45901 to 324.45908.
- j. Part 473 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.47301 to 324.47362.
- k. Part 515 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.51501 to 324.51514.
- l. Part 741 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.74101 to 324.74126.
- m. Part 761 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76101 to 324.76118.
- n. Part 801 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.80101 to 324.80199.
- o. Part 811 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81101 to 324.81150.
- p. Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82101 to 324.82160.
- q. Section 509 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.509.

13. The Director of the Department of Natural Resources and Environment may establish advisory workgroups, advisory councils, or other ad hoc committees to provide citizen and other public input and to advise the Director or the Department on the exercise of the authority, powers, duties, functions, responsibilities vested in the Department of Natural Resources and Environment.

B. Natural Resources Commission

1. Except as otherwise provided in this Order, the Commission of Natural Resources is transferred by Type II transfer from the Department of Natural Resources to the Department of Natural Resources and Environment. The Commission of Natural Resources is renamed the Natural Resources Commission. Members of the Commission shall be knowledgeable about conservation and committed to the scientific management of natural resources. This paragraph does not affect the continued service or terms of office of the Commission of Natural Resources.

2. The Governor shall designate a member of the Natural Resources Commission to serve as its Chairperson at the pleasure of the Governor. The Commission may select a member of the Commission to serve as Vice-Chairperson of the Commission.

3. The Natural Resources Commission shall have and continue to exercise the authority, powers, duties, functions, and responsibilities previously vested in the Commission on Natural Resources under all of the following:

- a. Part 435 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.43501 to 324.43561.
- b. Section 40111a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.40111a.
- c. Section 40113a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.40113a.

4. Except as otherwise provided in this Order, the final decision of the Natural Resources Commission in any of the matters assigned to it under Section II.B.3. of this Order shall be made by the Natural Resources Commission or a person to whom the Commission has lawfully delegated such authority. Decisions by the Natural Resources Commission shall be subject to judicial review as provided by law and in accordance with applicable court rules.

5. Except as otherwise provided in this Order, the Natural Resources Commission may utilize administrative law judges and hearing officers employed by the State Office of Administrative Hearings and Rules created by Executive Order 2005-1, MCL 445.2021, to conduct contested case hearings and to issue proposals for decisions as provided by law or rule.

6. The Natural Resources Commission shall provide advice to the Director of the Department of Natural Resources and Environment on matters related to natural resources and conservation and may perform additional duties as provided by this Order, other law, or as requested by the Director or the Governor.

7. The Natural Resources Commission shall be staffed and assisted by personnel from the Department of Natural Resources and Environment, subject to available funding. Any budgeting, procurement, or related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

8. The Natural Resources Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

9. A majority of the members of the Natural Resources Commission serving constitutes a quorum for the transaction of the Commission's business. The Commission shall act by a majority vote of its serving members.

10. The Natural Resources Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

11. The Natural Resources Commission may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. Subject to available funding, the Commission may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

12. Members of the Natural Resources Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

13. The Natural Resources Commission may accept donations of labor, services, or other things of value from any public or private agency or person.

14. Members of the Natural Resources Commission shall refer all legal, legislative, and media contacts to the Department.

C. Environmental Science Review Boards

1. The Director of the Department of Natural Resources and Environment may from time to time create one or more environmental science review boards to advise the Department of Natural Resources and Environment and the Governor on scientific issues affecting the protection and management of Michigan's environment and natural resources, or affecting a program administered by the Department of Natural Resources and Environment.

2. A board created under Section II.C.1. of this Order shall consist of 7 members appointed by the Director, each of whom shall have expertise in one or more of the following areas: biological sciences; chemistry; ecological science; engineering; geology; physics; risk assessment; and other related disciplines.

3. A board created under Section II.C.1. of this Order shall assess the scientific issue before the board and shall determine whether the board has sufficient expertise to fully review the issue. Should that board determine that additional expertise would aid the board in its review, the board may request assistance from 1 or more persons with knowledge and expertise related to the subject of the specific scientific inquiry.

4. The Director of the Department of Natural Resources and Environment shall designate a member of a board created under Section II.C.1. of this Order to serve as the chairperson of that board at the pleasure of the Director. The board may select a member of the board to serve as Vice-Chairperson of the board.

5. A board created under Section II.C.1. of this Order shall be staffed and assisted by personnel from the Department of Natural Resources and Environment, subject to available funding. Any budgeting, procurement, or related management functions of the board shall be performed under the direction and supervision of the Director of the Department.

6. A board created under Section II.C.1. of this Order shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

7. A majority of the members serving on a board created under Section II.C.1. of this Order constitutes a quorum for the transaction of the board's business, and such a board shall act by a majority vote of its serving members.

8. A board created under Section II.C.1. of this Order shall meet at the call of its chairperson and as may be provided in procedures adopted by the board.

9. A board created under Section II.C.1. of this Order may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The board may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and at institutions of higher education.

10. Members of a board created under Section II.C.1. of this Order shall serve without compensation. Members of a board created under Section II.C.1. of this Order may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

11. A board created under Section II.C.1. of this Order may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Board and the performance of its duties as the Director of the Department of Natural Resources and Environment deems advisable and necessary, in accordance with this Order, the relevant statutes, the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

12. A board created under Section II.C.1. of this Order may accept donations of labor, services, or other things of value from any public or private agency or person.

D. Michigan Trails Advisory Council

1. The Michigan Trails Advisory Council is created as an advisory body within the Department of Natural Resources and Environment.

2. The Council shall advise the Director of the Department of Natural Resources and Environment and the Governor on the creation, development, operation, and maintenance of motorized and non-motorized trails in this state, including, but not limited to, snowmobile, biking, equestrian, hiking, off-road vehicle, and skiing trails. In advising the Director and the Governor on the creation and development of motorized and non-motorized trails in this state, the Council shall seek to have the trails linked where ever possible. The Council may perform additional related duties as provided by this Order, other law, or as requested by the Director or the Governor.

3. The Council shall consist of 7 members appointed by the Governor. Members of the Council shall be appointed for a term of 4 years. A vacancy on the Council occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term. A vacancy shall not affect the power of the remaining members to exercise the duties of the Council.

4. The Governor shall designate a member of the Council to serve as the Chairperson of the Council at the pleasure of the Governor. The Council may select a member of the Council to serve as Vice-Chairperson of the Council.

5. The Council shall be staffed and assisted by personnel from the Department of Natural Resources and Environment, subject to available funding. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

6. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

7. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

8. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

9. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and at institutions of higher education.

10. The Council may establish advisory workgroups, including, but not limited to, an advisory workgroup on snowmobiles, as deemed necessary by the Council to assist the Council in performing the duties and responsibilities of the Council.

11. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

12. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department of Natural Resources and Environment deems advisable and necessary, in accordance with this Order, the relevant statutes, the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

13. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

14. Members of the Council shall refer all legal, legislative, and media contacts to the Department of Natural Resources and Environment.

III. DEPARTMENT OF NATURAL RESOURCES**A. Transfers from the Department of Natural Resources**

1. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, personnel, equipment, property, and budgetary resources of the Department of Natural Resources are transferred by Type II transfer to the Department of Natural Resources and Environment, including, but not limited to, the authority, powers, duties, functions, and responsibilities of the Department of Natural Resources under all of the following:

- a. 1974 PA 359, MCL 3.901 to 3.910 ("Sleeping Bear Dunes National Lakeshore").
- b. The Executive Organization Act of 1965, 1965 PA 380, MCL 16.350 to 16.360.
- c. The Property Rights Preservation Act, 1996 PA 101, MCL 24.421 to 24.425.
- d. Section 2 of the Methamphetamine Reporting Act, 2006 PA 262, MCL 28.192.
- e. Section 7 of the Hazardous Materials Transportation Act, 1998 PA 138, MCL 29.477.
- f. Section 4c of 1913 PA 172, MCL 32.224c ("Crawford County land").
- g. Section 48 of State Employees' Retirement Act, 1943 PA 240, MCL 38.48.
- h. Section 8b of the Township and Village Public Improvement and Public Service Act, 1923 PA 116, MCL 41.418b.
- i. Section 26 of The Home Rule Village Act, 1909 PA 278, MCL 78.26.
- j. Section 10 of 1957 PA 185, MCL 123.740 ("county department and board of public works").
- k. 1990 PA 182, MCL 141.1301 to 141.1304 ("county redistribution of federal payments").

- l. Sections 7g and 7jj of The General Property Tax Act, 1893 PA 206, MCL 211.7g and MCL 211.7jj.
- m. 1943 PA 92, MCL 211.371 to 211.375 (“withholding lands from sale”).
- n. Section 18 of 1909 PA 283, MCL 224.18 (“public highways and private roads”).
- o. Sections 3 and 4 of 1927 PA 341, MCL 247.43 and 247.44 (“discontinuation of highway bordering lake or stream”).
- p. Section 4 of 1941 PA 359, MCL 247.64 (“noxious weeds”).
- q. Sections 602a and 660 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.602a and 257.660.
- r. Section 4 of the Michigan Aquaculture Development Act, 1996 PA 199, MCL 286.874.
- s. 1976 PA 308, MCL 287.251 to 287.258 (“disposal of livestock”).
- t. Section 14 of the Animal Industry Act, 1988 PA 466, MCL 287.714.
- u. Privately Owned Cervidae Producers Marketing Act, 2000 PA 190, MCL 287.951 to 287.969.
- v. 1986 PA 109, MCL 300.21 to 300.22 (“conservation officers”).
- w. The Right to Forest Act, 2002 PA 676, MCL 320.2031 to 320.2036.
- x. The Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.
- y. The Clean Michigan Initiative Act, 1998 PA 284, MCL 324.95101 to 324.95108.
- z. 2008 PA 290, MCL 324.95151 to 324.95155 (“control of gray wolves”).
- aa. 2008 PA 318, MCL 324.95161 to 324.95167 (“removal, capture, or lethal control of gray wolf”).
- bb. The Great Lakes Water Quality Bond Authorization Act, 2002 PA 396, MCL 324.95201 to 324.95208.
- cc. The Michigan Civilian Conservation Corps Act, 1984 PA 22, MCL 409.301 to 409.314.
- dd. Sections 167a and 167c of The Michigan Penal Code, 1931 PA 328, MCL 750.167a and 750.167c.
- ee. Executive Order 1973-2, MCL 299.11.
- ff. Executive Order 1973-12, MCL 125.241.
- gg. Executive Order 1988-4, MCL 299.12.
- hh. Executive Order 1991-31, MCL 299.13.
- ii. Executive Order 1995-7, MCL 324.99901.
- jj. Executive Order 2004-3, MCL 287.981.
- kk. Executive Order 2007-14, MCL 324.99910.
- ll. Executive Order 2009-14, MCL 324.99916.
- mm. Executive Order 2009-15, MCL 324.99917.

2. The powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of Natural Resources transferred to the Department of Natural Resources and Environment under Section III of this Order shall include, without limitation, the powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of Natural Resources relating to invasive species management.

3. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources of the Director of the Department of Natural Resources are transferred to the Director of the Department of Natural Resources and Environment.

4. The Department of Natural Resources is abolished.

5. After the effective date of this Order, statutory and other legal references to the Department of Natural Resources shall be deemed references to the Department of Natural Resources and Environment.

B. Citizens Committee for Michigan State Parks

1. The powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Citizens Committee for Michigan State Parks created under Section 74102a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.74102a, are transferred from the Department of Natural Resources to the Natural Resources Commission provided for under Section II of this Order.

2. The Citizens Committee for Michigan State Parks is abolished.

C. Mackinac Island State Park Commission

1. The Mackinac Island State Park Commission provided for under 1958 PA 201, MCL 318.201 to 318.208, transferred under Section 256 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.356, and created by Section 76503 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76503, and transferred to the Department of Natural Resources under Executive Order 2009-36, is transferred by Type I transfer from the Department of Natural Resources to the Department of Natural Resources and Environment, including, but not limited to, the authority, powers, duties, functions, and responsibilities of the Commission under all of the following:

a. Sections 76501 to 76509, 76701 to 76709, 76901 to 76903, 77101, 77301, 77302, 77701 to 77704, and 77901 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76501 to 324.76509, 324.76701 to 324.76709, 324.76901 to 324.76903, 324.77101, 324.77301, 324.77302, 324.77701 to 324.77704, and 324.77901.

b. Section 511 of the Michigan Liquor Control Code of 1998, 58 PA 1998, MCL 436.1511.

D. Michigan Forest Finance Authority

1. The Michigan Forest Finance Authority created under Section 50503 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.50503, is transferred by Type I transfer from the Department of Natural Resources to the Department of Natural Resources and Environment.

2. The position of the Director of the Department of Natural Resources or his or her designee from within that Department as a member of the Board of Directors of the Michigan Forest Finance Authority under Section 50504 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.50504, is transferred to the Director of the Department of Natural Resources and Environment or his or her designee from within that Department.

E. Michigan Natural Resources Trust Fund Board

1. The Michigan Natural Resources Trust Fund Board, created under Section 1905 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.1905, is transferred by Type I transfer from the Department of Natural Resources to the Department of Natural Resources and Environment.

2. The position of the Director of the Department of Natural Resources or a member of the Commission on Natural Resources as a member of the Michigan Natural Resources Trust Fund Board under Section 1905 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.1905, is transferred to the Director of the Department of Natural Resources and Environment or his or her designee from within the Department, including, but not limited to, a member of the Natural Resources Commission.

F. Michigan Snowmobile Advisory Committee

1. The powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Michigan Snowmobile Advisory Committee created within the Department of Natural Resources under Section 82102a of the Natural Resources and Environmental Protection Act of 1994, 1994 PA 324.82102a, are transferred to the Michigan Trails Advisory Council created under Section II.D. of this Order.

2. The Michigan Snowmobile Advisory Committee is abolished.

G. Michigan Trailways Advisory Council

1. The powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Michigan Trailways Advisory Council created within the Department of Natural Resources under Section 72110 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.72110, are transferred to the Michigan Trails Advisory Council created under Section II.D. of this Order.

2. The Michigan Trailways Advisory Council is abolished.

H. Water Resources Conservation Advisory Council

1. The Water Resources Conservation Advisory Council created within the Department of Natural Resources under Section 32803 of the Natural Resources and Environmental Protection Act of 1994, 1994 PA 324.32803, which was required to complete its final report by August 8, 2009, is transferred by Type III transfer from the Department of Natural Resources to the Natural Resources Commission provided for under Section II of this Order.

2. The Water Resources Conservation Advisory Council is abolished.

IV. DEPARTMENT OF ENVIRONMENTAL QUALITY

A. Transfers from the Department of Environmental Quality

1. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of Environmental Quality are transferred by Type II transfer to the Department of Natural Resources and Environment, including, but not limited to, the authority, powers, duties, functions, and responsibilities of the Department of Environmental Quality under all of the following:

- a. Sections 2b and 2d of 1855 PA 105, MCL 21.142b and 21.142d (“surplus funds in treasury”).
- b. The Property Rights Preservation Act, 1996 PA 101, MCL 24.421 to 24.425.
- c. Fire Prevention Code, 1941 PA 207, MCL 29.1 to 29.34.
- d. The Hazardous Materials Transportation Act, 1998 PA 138, MCL 29.472 to 29.480.
- e. Section 8a of the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.508a.
- f. Sections 7, 9, and 10 of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.757, 124.759, and 124.760.
- g. Section 10 of the Water Resource Improvement Tax Increment Finance Authority Act, 2008 PA 94, MCL 125.1780.
- h. The Mobile Home Commission Act, 1987 PA 96, MCL 125.2301 to 125.2349.
- i. The Brownfield Redevelopment Financing Act, 1996 PA 381, MCL 125.2651 to 125.2672.
- j. The Safe Drinking Water Financial Assistance Act, 2000 PA 147, MCL 141.1451 to 141.1455.
- k. Section 437 of the Michigan Business Tax Act, 2007 PA 436, MCL 208.1437.
- l. Sections 9, 24, 34c, 34d, 53, 78g, and 78m of The General Property Tax Act, 1893 PA 206, MCL 211.9, 211.24, 211.34c, 211.34d, 211.53, 211.78g, and 211.78m.
- m. Section 4 of 1951 PA 77, MCL 211.624 (“tax on low grade iron ore”).
- n. Sections 5 to 8 of 1963 PA 68, MCL 207.275 to 207.278 (“iron ore tax”).
- o. Section 811i of the Michigan Vehicle Code, 1949 PA 300, MCL 257.811i.
- p. Section 204 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.204.
- q. Section 423 of The Drain Code of 1956, 1956 PA 40, MCL 280.423.
- r. Section 3 of the Julian-Stille Value-Added Act, 2000 PA 322, MCL 285.303.
- s. Section 3 of 2008 PA 330, MCL 285.343 (“publication of information establishing alternative fuels facilities”).
- t. Section 4 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.474.
- u. Section 14 of the Animal Industry Act, 1988 PA 466, MCL 287.714.

- v. Sections 3, 6, 7, and 14 of the Privately Owned Cervidae Producers Marketing Act, 2000 PA 190, MCL 287.953, 287.956, 287.957, and 287.964.
- w. Section 20 of the Grade A Milk Law of 2001, 2001 PA 266, MCL 288.490.
- x. Sections 2 and 4 of the Michigan Agricultural Processing Act, 1998 PA 381, MCL 289.822 and 289.824
- y. Section 7107 of the Food Law of 2000, 2000 PA 92, MCL 289.7107.
- z. Sections 9j and 10d of the Motor Fuels Quality Act, 1984 PA 44, MCL 290.649j and 290.650d.
- aa. The Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.
- bb. The Safe Drinking Water Act, 1976 PA 399, MCL 325.1001 to 325.1023.
- cc. Sections 9601, 12103, 12501 to 12563, 12701 to 12771, 13501 to 13536, 13716, 13801 to 13831, and 16631 of the Public Health Code, 1978 PA 368, MCL 333.9601, 333.12103, 333.12501 to 333.12563, 333.12701 to 333.12771, 333.13501 to 333.13536, 333.13716, 333.13801 to 333.13831, and 333.16631.
- dd. Low-Level Radioactive Waste Authority, 1987 PA 204, MCL 333.26201 to 333.26226.
- ee. Section 3f of 1976 Initiated Law 1, MCL 445.573f (“beverage containers”).
- ff. Sections 27 and 77 of the Clean, Renewable, and Efficient Energy Act, 2008 PA 295, MCL 460.1027 and 460.1077.
- gg. Sections 71 and 71a of the Condominium Act, 1978 PA 59, MCL 559.171 and 559.171a.
- hh. Sections 105, 116 to 118, 194, and 254 of the Land Division Act, 1967 PA 288, MCL 560.105, 560.116 to 560.118, 560.194, and 560.254.
- ii. Executive Order 1995-18, MCL 324.99903.
- jj. Executive Order 1996-1, MCL 330.3101.
- kk. Executive Order 1996-2, MCL 445.2001.
- ll. Executive Order 1997-2, MCL 29.451.
- mm. Executive Order 1997-3, MCL 324.99904.
- nn. Executive Order 1998-2, MCL 29.461.
- oo. Executive Order 2007-6, MCL 324.99905.
- pp. Executive Order 2007-7, MCL 324.99906.
- qq. Executive Order 2007-8, MCL 324.99907.
- rr. Executive Order 2007-10, MCL 324.99908.
- ss. Executive Order 2007-13, MCL 324.99909.
- tt. Executive Order 2007-21, MCL 324.99911.
- uu. Executive Order 2007-29, MCL 324.99912.
- vv. Executive Order 2007-33, MCL 324.99913.
- ww. Executive Order 2007-34, MCL 324.99914.
- xx. Executive Order 2009-13, MCL 324.99915.
- yy. Executive Order 2009-17, MCL 333.26365.
- zz. Executive Order 2009-26, MCL 324.99918.
- aaa. Executive Order 2009-28, MCL 333.26367.
- bbb. Section 11117 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.11117, as transferred under Section IV.D. of this Order.

2. The powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of Environmental Quality transferred to the Department of Natural Resources and Environment under Section IV of this Order shall include, without limitation, the powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of Environmental Quality relating to invasive species management.

3. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources of the Director of the Department of Environmental Quality are transferred to the Director of the Department of Natural Resources and Environment.

4. The Department of Environmental Quality is abolished.

5. After the effective date of this Order, statutory and other legal references to the Department of Environmental Quality shall be deemed references to the Department of Natural Resources and Environment.

B. Office of the Great Lakes

1. The Office of the Great Lakes created under Section 32903 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.32903, and subsequently transferred to the Department of Environmental Quality by Executive Order 1995-18, MCL 324.99903, is transferred by Type I transfer from the Department of Environmental Quality to the Department of Natural Resources and Environment.

2. The Director of the Office of the Great Lakes shall continue to serve as a member of the Governor’s Cabinet.

C. Low-Level Radioactive Waste Authority

1. The Low-Level Radioactive Waste Authority, created within the Department of Management and Budget under Section 3 of the Low-Level Radioactive Waste Authority Act, 1987 PA 204, MCL 333.26203, and transferred to the Department of Commerce under Executive Order 1991-23, MCL 333.26251, and to the Department of Environmental Quality under Executive Order 1996-2, MCL 445.2001, is transferred by Type I transfer from the Department of Environmental Quality to the Department of Natural Resources and Environment.

2. The authority, powers, duties, and functions of the Commissioner of the Low-Level Radioactive Waste Authority are transferred by Type III transfer to the Department of Natural Resources and Environment. The Director of the Department of Natural Resources and Environment, or his or her designee from within the Department, may perform the functions of the Commissioner of the Low-Level Radioactive Waste Authority or may administer the assigned functions of the Commissioner of the Low-Level Radioactive Waste Authority in other ways to promote efficient administration.

D. Site Review Board

1. The Site Review Board created within the Department of Environmental Quality under Section 11117 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.11117, is transferred by Type III transfer to the Department of Environmental Quality.

2. The Site Review Board is abolished.

V. DEPARTMENT OF AGRICULTURE

A. Michigan Commission of Agriculture

1. The Michigan Commission of Agriculture is transferred by Type II transfer to the Department of Agriculture. This paragraph does not affect the continued service or terms of office of the Michigan Commission of Agriculture.

2. Upon the effective date of this Order, the Director of the Department of Agriculture shall be the head of the Department. Consistent with Section 3 of Article V of the Michigan Constitution of 1963, after the effective date of this Order, any vacancy in the office of Director of the Department of Agriculture shall be filled by appointment of the Governor, subject to disapproval under Section 6 of Article V of the Michigan Constitution of 1963, and the Director of the Department of Agriculture shall serve at the pleasure of the Governor.

B. Agricultural Preservation Fund Board

1. The Agricultural Preservation Fund Board created within the Department of Agriculture under Section 36204 of the Natural Resources and Environmental Protection Act 1994 PA 451, MCL 324.36204, is transferred by Type III transfer to the Department of Agriculture.

2. The Agricultural Preservation Fund Board is abolished.

C. Michigan Family Farm Development Authority

1. The Michigan Family Farm Development Authority created within the Department of Agriculture under Section 3 of the Michigan Family Farm Development Act, 1982 PA 220, MCL 285.253, is transferred by Type III transfer to the Department of Agriculture.

2. The Michigan Family Farm Development Authority is abolished.

D. Pesticide Advisory Committee

1. The Pesticide Advisory Committee created within the Department of Agriculture under Section 8326 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.8326, is transferred by Type III transfer to the Department of Agriculture.

2. The Pesticide Advisory Committee is abolished.

3. The Director of the Department of Agriculture may establish advisory workgroups, advisory councils, or other ad hoc committees to provide citizen and other public input and to advise the Director or the Department on the exercise of authority, powers, duties, functions, responsibilities vested in the Department of Agriculture, including, but not limited to, authority, powers, duties, functions, responsibilities vested in the Department of Agriculture under this Section V.D.

E. Office of Racing Commissioner

1. All of the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the Office of Racing Commissioner created within the Department of Agriculture under Section 3 of the Horse Racing Law of 1995, 1995 PA 279, MCL 431.303, are transferred from the Department of Agriculture to the Michigan Gaming Control Board, including, but not limited to, the authority, powers, duties, functions, records, personnel, property, independent balances of appropriations, allocations, or other funds under all of the following:

a. The Horse Racing Law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

b. 1951 PA 90, MCL 431.252 to 431.257.

c. Section 12 of the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.212.

d. Sections 4 and 5 of the Compulsive Gaming Prevention Act, 1997 PA 70, MCL 432.254 and 432.255.

2. The Office of Racing Commissioner and the position of Racing Commissioner are abolished.

3. The authority, powers, duties, functions, and personnel transferred under Section V.E. of this Order shall be performed under the direction and supervision of the Executive Director of the Michigan Gaming Control Board.

4. The Executive Director of the Michigan Gaming Control Board shall perform all the functions and exercise the powers of the Racing Commissioner, including, but not limited to, possessing the final authority over contested cases, licensing, and rule promulgation.

5. Except as otherwise provided in Section V.E. of this Order, the Executive Director of the Michigan Gaming Control Board shall provide executive direction and supervision for the implementation of all transfers under Section V.E. of this Order.

6. Internal organizational changes shall be made as may be administratively necessary to complete the realignment of responsibilities necessary under Section V.E. of this Order.

7. The authority, powers, duties, functions, and responsibilities transferred under Section V.E. of this Order shall be administered by the Executive Director of the Michigan Gaming Control Board in such ways as to promote efficient administration.

8. The Executive Director of the Michigan Gaming Control Board may in writing delegate a duty or power conferred on the Executive Director under Section V.E. of this Order or by other law, and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the duty or power is delegated by the Executive Director.

9. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Office of Racing Commissioner for the activities, powers, duties, functions, and responsibilities transferred under Section V.E. of this Order are transferred to the Michigan Gaming Control Board.

10. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of Section V.E. of this Order.

11. Departments, agencies, and state officers within the executive branch of state government shall fully and actively cooperate with the Executive Director of the Michigan Gaming Control Board in the implementation of Section V.E. of this Order. The Executive Director may request the assistance of other departments, agencies, and state officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other issues related to implementation of the transfers under Section V.E. of this Order, and the departments and agencies shall provide the assistance requested.

VI. DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

A. Upon the effective date of this Order, the State Interagency Council on Spanish-Speaking Affairs created under Section 6 of 1975 PA 164, MCL 18.306, transferred to the Director of the Department of Career Development by Type III transfer under Executive Order 2000-5, MCL 18.311, and restored within the Department of Energy, Labor, and Economic Growth under Executive Order 2003-18, MCL 445.2011, shall consist of all of the following members:

1. The Attorney General or his or her designee from within the Department of Attorney General.
2. The Director of the Department of Agriculture or his or her designee from within the Department of Agriculture.
3. The Director of the Department of Civil Rights or his or her designee from within the Department of Civil Rights.
4. The Director of the Department of Community Health or his or her designee from within the Department of Community Health.
5. The Director of the Department of Corrections or his or her designee from within the Department of Corrections.
6. The Director of the Department of Human Services or his or her designee from within the Department of Human Services.
7. The Director of the Department of Information Technology or his or her designee from within the Department of Information Technology.
8. The Director of the Department of Energy, Labor, and Economic Growth or his or her designee from within the Department of Energy, Labor, and Economic Growth.
9. The Director of the Department of Management and Budget or his or her designee from within the Department of Management and Budget.
10. The Director of the Department of Natural Resources and Environment or his or her designee from within the Department of Natural Resources and Environment.
11. The Executive Director of the Women's Commission.
12. The Executive Director of the Michigan State Housing Development Authority or his or her designee from within the Michigan State Housing Development Authority.
13. The President of the Michigan Strategic Fund or his or her designee from within the Michigan Strategic Fund.
14. The State Personnel Director or his or her designee from within the Civil Service Commission.
15. The State Treasurer or his or her designee from within the Department of Treasury.
16. The Secretary of State or his or her designee from within the Department of State.
17. The Superintendent of Public Instruction or his or her designee from within the Department of Education.

VII. IMPLEMENTATION OF TRANSFERS TO DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

A. The Governor shall designate an individual to serve as the Transition Manager for the implementation of transfers to the Department of Natural Resources and Environment. The Transition Manager shall immediately initiate coordination with departments and agencies within the executive branch of state government to facilitate the transfers to the Department under this Order. State departments and agencies shall actively cooperate with the transition manager as the Transition Manager performs duties and functions relating to the implementation of this Order. Except as otherwise provided in this Order, the transition manager shall provide executive direction and supervision for the implementation of the transfers to the Department under this Order.

B. The functions transferred to the Department of Natural Resources and Environment under this Order shall be administered under the direction and supervision of the Director of the Department.

C. The Director of the Department of Natural Resources and Environment shall administer the assigned functions transferred to the Department under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order based upon initial recommendations from the transition manager.

D. Except as otherwise provided in this Order, any authority, duties, powers, functions, and responsibilities transferred to the Department of Natural Resources and Environment under this Order, and not otherwise mandated by law, may in the future be reorganized to promote efficient administration by the Director of the Department.

E. Any records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to any entity for the authority, activities, powers, duties, functions, and responsibilities transferred to the Department of Natural Resources and Environment under this Order are transferred to the Department of Natural Resources and Environment.

VIII. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in this state's financial management system necessary to implement this Order.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

C. All rules, regulations, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

D. This Order shall not abate any criminal action commenced by this state prior to the effective date of this Order.

E. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Executive Order, except for Section IV.D. of this Order, are effective January 17, 2010 at 12:01 a.m. Section IV.D. of this Order is effective 60 calendar days after the filing of this Order, consistent with Section 2 of Article V of the Michigan Constitution of 1963.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 8th day of October in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The executive order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received on October 8, 2009, and read:

EXECUTIVE ORDER
No. 2009-46

Amendment of Executive Order 2009-1

**Great Lakes Wind Council
Department of Energy, Labor, and Economic Growth**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Great Lakes Wind Council was created by Executive Order 2009-1;

WHEREAS, Executive Order 2009-1 was subsequently amended by Executive Order 2009-19 in order to expand the membership of the Great Lakes Wind Council from thirteen to seventeen members;

WHEREAS, it is necessary and desirable to again amend Executive Order 2009-1 to expand the membership and responsibilities of the Great Lakes Wind Council, as well as to extend the date by which the Great Lakes Wind Council must complete its work;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

A. Section II.B.9.j. of Executive Order 2009-1 is amended to read as follows:

“j. Eleven other residents of this state.”

B. Section II.C. of Executive Order 2009-1 is amended to read as follows:

“C. Members of the Council shall serve until December 31, 2010.”

C. Section III of Executive Order 2009-1 is amended to read as follows:

“III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity and shall do all of the following:

1. Identify those areas most favorable to lease for offshore wind development.
2. Inform, engage, and solicit feedback from the people of Michigan on the identified most favorable leasing locations to ensure that statewide interests are considered whenever significant permitting decisions are made.
3. Provide guidance to legal and technical experts as they develop model lease and solicitation documents.
4. Recommend options for how the public could be compensated for bottomland leasing and wind rights for wind energy systems, and advise on an incentive structure for early investors in wind development.
5. Provide guidance to the State Wind Outreach Team created within the Department of Energy, Labor, and Economic Growth in the Team’s execution of an outreach and education plan related to offshore wind energy.
6. Provide input on proposed and new Great Lakes wind development legislation and rulemaking as appropriate.
7. Represent the interests of the state of Michigan in the Great Lakes Wind Collaborative and other multi-sector and interstate efforts to facilitate the sustainable development of Great Lakes wind resources.
8. Perform other functions related to the Council’s responsibilities as requested by the Governor.

B. The Council shall provide a report of its activities to the Governor no later than November 15, 2010.

C. The Council shall complete its work by December 31, 2010.”

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 8th day of October in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The executive order was referred to the Committee on Government Operations and Reform.

The following message from the Governor was received and read:

APPROPRIATIONS; ZERO BUDGET; DEPARTMENT OF TRANSPORTATION

October 12, 2009

Today I have signed Enrolled Senate Bill 254 authorizing the expenditure of nearly \$3.3 billion by the Department of Transportation in the fiscal year that ends on September 30, 2009. I have, however, disapproved of three items pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill, which has been filed with the Secretary of State.

I have exercised my item veto authority to eliminate the following unnecessary items: (1) Section 306(3), which would mandate the State Treasurer to develop an alternative cost allocation plan for motor fuel tax collections; (2) Section 324, although I strongly support the purpose and funding for the underlying program, nonetheless is an earmark directing scarce transportation resources away from core activities and toward law enforcement functions that are already funded; and (3) Section 729, a similar earmark no longer sustainable with the scarce resources available.

To provide direction regarding the implementation of this new appropriations act, I note the following:

- Section 709 of Senate Bill 254 purports to require that any changes in an essential corridor list for bus routes be approved by House and Senate Appropriations Subcommittees on Transportation. As the Legislature lacks the constitutional authority to delegate administrative or legislative duties to a subcommittee of the legislature, this provision appears to violate Const 1963, art 3, § 2, Const 1963, art 4, § 26, and Const 1963, art 4, § 33, and is unenforceable.

- Sections 395, 399, 607, 610, 615, 654, 655, 656, 658, 660, 661, 737, 743, and 744 of the bill include statements of legislative intent. While the Legislature has the right to state its advice, preferences, or wishes through a statement of intent, such statements do not impose conditions upon appropriations and are non-binding.

I thank the Legislature for presenting a fiscal year 2010 budget for the Department of Transportation.

Respectfully,
Jennifer M. Granholm
Governor

This bill was signed by the Governor on October 12, 2009, at 1:20 p.m. (Filed with the Secretary of State on October 12, 2009, at 4:12 p.m.) and assigned Public Act No. 116.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator Cropsey moved that further consideration of the bill be postponed for today.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Jansen as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 852, entitled

A bill to provide for loans, grants, and other assistance for energy efficiency and renewable energy projects; to create a restricted fund; and to provide for the powers and duties of certain state and local governmental officers and entities.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 776, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d (MCL 600.151d), as amended by 2008 PA 197.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 276, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 709 (MCL 257.709), as amended by 2000 PA 127.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 884, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration;

to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 24, 30c, and 31 (MCL 205.24, 205.30c, and 205.31), section 24 as amended by 2003 PA 201, section 30c as amended by 2007 PA 194, and section 31 as amended by 2002 PA 657.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

During the Committee of the Whole, Senator Basham entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 884

The motion prevailed, a majority of the members serving voting therefor.

The following bill was read a third time:

Senate Bill No. 884, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 24, 30c, and 31 (MCL 205.24, 205.30c, and 205.31), section 24 as amended by 2003 PA 201, section 30c as amended by 2007 PA 194, and section 31 as amended by 2002 PA 657.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

- 1. Amend page 15, line 9, by striking out all of enacting section 1.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Prusi requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 527

Yeas—15

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Nays—21

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Hardiman	McManus	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey			

Excused—1

Thomas

Not Voting—0

In The Chair: Sanborn

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 528**Yeas—24**

Allen	Cropsey	Jansen	Pappageorge
Barcia	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Gleason	McManus	Stamas
Cassis	Hardiman	Olshove	Van Woerkom

Nays—12

Anderson	Cherry	Hunter	Scott
Basham	Clark-Coleman	Jacobs	Switalski
Brater	Clarke	Prusi	Whitmer

Excused—1

Thomas

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Cropsey moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 41

Senate Resolution No. 75

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 85

The resolution consent calendar was adopted.

Senators Sanborn, Kuipers, Pappageorge, Anderson, Hunter, Van Woerkom, Hardiman and Jansen offered the following resolution:

Senate Resolution No. 85.

A resolution recognizing October 11-17, 2009, as Credit Union Week and honoring all Michigan credit unions.

Whereas, Credit unions have been organized in Michigan since 1934, and they have a proud tradition of innovation and leadership among the nation's credit unions. The Michigan credit union movement is one of growth, progress, and success; and

Whereas, Michigan credit unions are rooted in the communities in which they serve, whether supporting local charities, offering financial education seminars, or operating student-run credit union branches in schools. They do this voluntarily because as not-for-profit, member-owned, financial cooperatives, credit unions recognize that social responsibility is an integral part of their mission; and

Whereas, Michigan credit unions continue to improve the financial literacy of their members and the community, following the credit union philosophy of "people helping people"; and

Whereas, Michigan credit unions remain informed through the assistance of the Michigan Credit Union League, which has focused exclusively on serving its members throughout its history—a commitment that is concisely expressed in its mission statement: "To foster, protect and promote the vitality of credit unions by providing programs and services that will enhance their ability to enrich the lives of their members"; now, therefore, be it

Resolved by the Senate, That we hereby honor Michigan credit unions as they celebrate Credit Union Week, October 11-17, 2009.

Senators Basham, Clarke, Gleason, Olshove, Richardville and Switalski were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Kahn introduced

Senate Bill No. 890, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6306 (MCL 600.6306), as amended by 1995 PA 161.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Jansen, Hardiman, Garcia, Van Woerkom, Birkholz, Allen, Pappageorge, Kahn and Gilbert introduced

Senate Bill No. 891, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 9 (MCL 400.209), as amended by 2004 PA 470.

The bill was read a first and second time by title and referred to the Committee on Families and Human Services.

Senators Hardiman, Jansen, Barcia, Garcia, Van Woerkom, Birkholz, Allen, Pappageorge, Kahn and Gilbert introduced

Senate Bill No. 892, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 43 of chapter X (MCL 710.43), as amended by 1996 PA 409.

The bill was read a first and second time by title and referred to the Committee on Families and Human Services.

Senators Barcia, Jansen, Hardiman, Garcia, Van Woerkom, Birkholz, Allen, Pappageorge, Kahn and Gilbert introduced

Senate Bill No. 893, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c (MCL 712A.19c), as amended by 2008 PA 203.

The bill was read a first and second time by title and referred to the Committee on Families and Human Services.

Senator Switalski introduced
Senate Bill No. 894, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 5403, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

Statements

Senators Van Woerkom, Cassis, Clark-Coleman and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Van Woerkom's statement is as follows:

I was reading this morning that in the Corrections budget, the Governor vetoed the section that we had tucked in that requested that we save \$841 per prisoner and to find some efficiencies. After vetoing that portion, the Governor stated that she wanted to find \$20 million more in efficiencies in order to bring that budget into line. I have a suggestion: Let's reopen the Muskegon facility where they are housing prisoners at \$5,500 less per prisoner than at a couple of other Level 2 facilities in the state of Michigan.

If we multiply that \$5,500 per prisoner by 1,300 prisoners, we save over \$7 million. That is one-third of the goal of \$20 million just by making that switch, and all we have to do is find the other later on. I think we can make great headway if we take a look at that suggestion.

Senator Cassis' statement is as follows:

On October 8, I made a statement here on the floor of the Senate talking about the plight of small businesses in our state and making the plea for this body and the Legislature as a whole to address the phase-out of the surcharge—Senate Bill No. 1. It has become absolutely onerous to the business community and in part reflects the fact that *Forbes* magazine has rated Michigan somewhere between about 47th to 48th in terms of its overall poor business climate.

At that time, I used a word and I misspoke. The word is "not," and actually the word got in the way of the point I was emphasizing. Therefore, I would like to correct my own record to reflect my positive statement explicitly. The positive statement is as follows: "It is the business of any great state and nation that create jobs. It is the private sector."

Senator Clark-Coleman's statement is as follows:

I rise to give my voting intentions for items taken up on Thursday, October 8, 2009. I had an excused absence; I was in Washington, D.C., for a conference.

Had I been present, I would have voted "yes" on Roll Call Nos. 515-519. I also would have voted "yes" on item No. 514, giving my consent to the gubernatorial appointment of James B. Falahee, Jr., to the Certificate of Need Commission.

I would have voted "no" on Roll Call Nos. 520-526. There is no way I would have supported deep cuts to the classroom or trading a lifeline for the working poor to finance floating chaise lounges for the rich.

Lastly, I would have moved to co-sponsor Senate Resolution No. 84, declaring October 15, 2009, Conflict Resolution Day.

Senator Scott's statement is as follows:

First, I would like to give my "no" vote for Thursday evening on the K-12 budget. I believe that was House Bill No. 4447, and I would have voted "no" on that bill.

The educator and writer Marsha Sinetar said, "The burning desire to be or do something gives us staying power—a reason to get up every morning or to pick ourselves up and start in again after a disappointment." It is my burning desire to fix our broken insurance system. Too many consumers across Michigan pay more than they should for car and homeowners insurance simply because of their address. People have said that I am only concerned about the people of Detroit, but people in other cities in Michigan pay high, ridiculous rates as well.

I don't want anyone to pay more than they should for insurance. I want insurance to be affordable for all the people we say must buy insurance. I have the staying power to stick with my fight and to say to you once again, please move my bills.

Committee Reports

The Committee on Finance reported

Senate Bill No. 796, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 455 (MCL 208.1455), as added by 2008 PA 77.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge and Jansen

Nays: Senator Cherry

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 889, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2003 PA 114.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Gilbert, Pappageorge and Jansen

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Thursday, October 8, 2009, at 11:45 a.m., Room 110, Farnum Building

Present: Senators Cassis (C), Gilbert, Pappageorge, Jansen, Jacobs, Cherry and Whitmer

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, October 8, 2009, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

Scheduled Meetings

Subcommittees -

Community Health Department - Tuesday, October 20, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Federal Stimulus Oversight - Wednesday, October 14, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesday, October 21, 9:15 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Campaign and Election Oversight - Wednesday, October 14, 12:00 noon, Room 405, Capitol Building (373-1725)

Economic Development and Regulatory Reform - Wednesday, October 14, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

Energy Policy and Public Utilities - Thursday, October 15, 1:00 p.m., Room 210, Farnum Building (373-7350)

Legislative Commission on Government Efficiency - Wednesday, October 14, 9:00 a.m., Room 426, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Monday, October 26, 9:00 a.m., Waterford Room, 1st Floor, Oakland County Executive Office Building, 2100 North Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursday, December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

Natural Resources and Environmental Affairs - Wednesday, October 14, 1:00 p.m., Room 110, Farnum Building (373-3447) (CANCELED)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 11:32 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, October 14, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

